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Paper No.

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SEP 20 2006

OFFICE OF PETITIONS

In re Patent No. 6,957,150 : DECISION ON REQUEST
Parris et al. : FOR RECONSIDERATION OF
Issue Date: October 18, 2005 : PATENT TERM ADJUSTMENT
Application No. 09/771,383 : and
Filed: January 25, 2001 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. 2368/12 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed December 19, 2005. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 246 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred forty-six (246) days.

On October 18, 2005, the above-identified application matured into U.S. Patent No. 6,957,150. The instant request for reconsideration filed December 19, 2005 (certificate of mailing dated December 16, 2005) was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 232 days. Patentees dispute the reduction of 14 days associated with a "miscellaneous incoming letter" received in the Office on December 27, 2004¹.

¹ Patentees are reminded that any request for reconsideration under 37 CFR 1.705(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. Accordingly, consideration on instant request is limited to the dispute of the reduction pursuant to § 1.704(c)(10).

Patentees state that the paper filed on that date was an Issue Fee Payment and thus, no reduction is warranted.

Patentees' contention is well taken. As stated in MPEP 2732:

The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office).

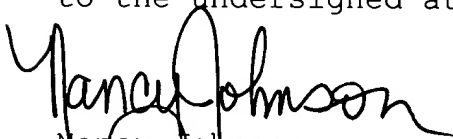
The record has been reviewed and it has been confirmed that the paper filed on December 27, 2004 transmitted the Issue Fee payment. The reduction of 14 days has been removed.

In view thereof, the patent term adjustment indicated on the patent should be two hundred forty-six (246) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by TWO HUNDRED FORTY-SIX (246) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,957,150 B2
DATED : October 18, 2005
INVENTOR(S) : Parris et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (232) days

Delete the phrase "by 232" and insert – by 246 days--